

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES ERNEST ROBINSON,

Case No. 2:14-cv-02023-RFB-VCF

Petitioner,

ORDER

v.

BRIAN E. WILLIAMS, SR., et al.,

Respondents.

On March 14, 2016, the court granted in part respondents' motion to dismiss certain grounds of Charles Ernest Robinson's *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus (ECF No. 22). The court also appointed the Federal Public Defender to represent Robinson. *Id.* Now before the court are Robinson's counseled motions for reconsideration and for leave to file a first-amended petition (ECF Nos. 24 and 26). Respondents opposed (ECF Nos. 29 and 30), and petitioner replied (ECF Nos. 31 and 32).

Counsel for Robinson seeks an opportunity to review Robinson's file, review the state-court record and meet with Robinson in order to ascertain whether Robinson has adequately presented his constitutional claims to federal court. Good cause appearing, the motion for reconsideration of the court's disposition of the motion to dismiss (ECF No. 24) is granted. The motion to dismiss shall be denied without prejudice at this time. Petitioner's motion for leave to file an amended petition (ECF No. 26) is also granted.

IT IS THEREFORE ORDERED that petitioner's motion for reconsideration (ECF No. 24) is **GRANTED**.

1 **IT IS FURTHER ORDERED** that the court's order dated March 14, 2016 at ECF
2 No. 22 granting the motion to dismiss in part is **VACATED**.

3 **IT IS FURTHER ORDERED** that respondents' motion to dismiss (ECF No. 9) is
4 **DENIED** without prejudice.

5 **IT IS FURTHER ORDERED** that petitioner's motion for leave to file an amended
6 petition (ECF No. 26) is **GRANTED**. Within **ninety (90) days** of the date of entry of this
7 order, petitioner shall file his amended petition.

8 **IT IS FURTHER ORDERED** that respondents shall file a response to the
9 amended petition, including potentially a motion to dismiss, within **ninety (90) days** of
10 the service of the amended petition, with any requests for relief by petitioner by motion
11 otherwise being subject to the normal briefing schedule under the local rules. **Any**
12 **response shall comply with this court's order dated March 2, 2015 at ECF No. 6**
13 **and with Habeas Rule 5.**

14 **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** following
15 service of respondents' answer, motion to dismiss, or other response to file a reply or
16 opposition, with any other requests for relief by respondents by motion otherwise being
17 subject to the normal briefing schedule under the local rules.

18 **IT IS FURTHER ORDERED** that petitioner's motion for extension of time to file
19 an amended petition (ECF No. 27) is **GRANTED** as set forth in this order.

20 **IT IS FURTHER ORDERED** that respondents' motion to strike reply (ECF No.
21 33) is **DENIED**.

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23 DATED: 14 July 2016.



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25 RICHARD F. BOULWARE, II
26 UNITED STATES DISTRICT JUDGE
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